

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)	NOTICE OF VIOLATION
)	
University of Wisconsin)	EPA-5-99-WI-12
La Crosse, Wisconsin)	
)	
Proceedings Pursuant to)	
Section 113 of the Clean Air Act,)	
42 U.S.C. § 7413)	

STATUTORY AUTHORITY

This Notice of Violation is issued pursuant to Section 113(a) of the Clean Air Act (Act), 42 U.S.C. § 7413(a). You are hereby notified that the Administrator of the United States Environmental Protection Agency (U.S. EPA), by authority duly delegated to Richard Karl, Acting Director of the Air and Radiation Division, Region 5, finds the University of Wisconsin in violation of the Wisconsin State Implementation Plan (SIP), adopted pursuant to Section 110 of the Act, 42 U.S.C. § 7410, regarding particulate emission limits for fuel burning installations.

STATUTORY AND REGULATORY BACKGROUND

1. Section 110 of the Act, 42 U.S.C. § 7410, requires each State to adopt and submit a plan which provides for the implementation, maintenance, and enforcement of any national primary or secondary standard established pursuant to Section 109 of the Act, 42 U.S.C. § 7409. These plans are required to include enforceable emissions limitations, control measures, schedules for compliance, and permit programs for new sources.
2. Section 110(n)(1) of the Act, 42 U.S.C. § 7410(n)(1), provides that any provision of any applicable implementation plan that was approved or promulgated by the Administrator pursuant to Section 110 as in effect prior to November 15, 1990, shall remain in effect as part of such applicable implementation plan.
3. Pursuant to Section 110 of the Act, 42 U.S.C. § 7410, the Administrator approved Wisconsin Administrative Code § NR 154.11 as part of the federally enforceable SIP on March 9, 1983 (48 FR 9860).¹ This approval became effective on April 18, 1983. Wisconsin Administrative Code § NR 154.11(4)1 provides, in part, that no person shall cause, allow, or permit the emission of particulate matter to the ambient air from any indirect heat exchanger, power or heating plant, fuel-burning installation constructed on or before

¹ The State of Wisconsin has subsequently recodified this regulation at Wisconsin Administrative Code § NR 415.06(1).

April 1, 1972, in excess of 0.6 pounds of particulate matter per million BTU of heat input to any stack.

FACTUAL BACKGROUND

4. The University of Wisconsin(UW), La Crosse, Wisconsin has a heating plant with two coal-fired boilers that it operates for the purpose of providing useful heat for the University.

5. UW's two coal-fired boilers each have a rated capacity of 75 million BTU per hour.

6. UW's heating plant with its two coal-fired boilers is a fuel burning installation, as contemplated by Wisconsin Administrative Code § NR 154.01.

FINDING OF VIOLATION

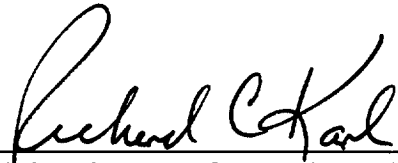
7. On January 21-22, 1998, UW performed a stack emission test at its heating plant to determine compliance with the facility's emission limit. The results of this stack test revealed an average emission rate of 0.9962 pounds per million BTU of heat input for Boiler Unit #2. This amount is in excess of the limit of 0.6 pounds of particulate per million BTU of heat input that was established by Wisconsin Administrative Code § NR 154.11(4)(b)1. UW was not in compliance with particulate emission limits beginning January 21, 1998, in violation of Wisconsin Administrative Code § 154.11(4)(b)(1).

NOTICE OF VIOLATION

The Administrator of the U.S. EPA, by authority duly delegated to the undersigned, hereby notifies the University of Wisconsin and the State of Wisconsin that the University of Wisconsin is in violation of the Wisconsin State Implementation Plan as set forth in this Notice of Violation.

3-19-99

Date



Richard C. Karl, Acting Director
Air and Radiation Division

cc: Eileen Ingwersen
Wisconsin Department of Natural Resources
West Central Region